

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
DECEMBER 16, 2002**

The Tippecanoe County Commissioners met on Monday, December 16, 2002 at 5:00 P.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

- Commissioner Benson moved to approve the minutes of the November 25, 2002 Executive Meeting, the November 26, 2002 Executive Meeting, the December 2, 2002 Regular Meeting, the December 9, 2002 Executive Meeting, and the December 12, 2002 Executive Meeting as distributed, seconded by Commissioner Shedd; motion carried.

**APPROVAL OF CLAIMS**

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims for the period ending December 16, 2002 with no exceptions, seconded by Commissioner Benson.

President Knochel suggested not paying the claim to Indiana Boys School in the amount of \$100,000 until Marion County' law suit against the Indiana Department of Corrections is settled and it is determined if County's can legally be charged for juvenile detention. In addition, he noted the State is withholding our COIT payment to pay for outstanding bills to the Boys School.

In response to the State Budget Director's notification that \$235,518 (25% of past-due debt) from the County's December COIT (County Option Income Tax) payment will be withheld, Auditor Plantenga reported he sent a letter today stating how the County plans to pay off the debt. He included a copy of the County's Operating Plan that shows a ten (10) year pay-off plan for past-due juvenile detention bills, and minutes reflecting the County Council's intent to pay. He said we have been paying on the debt and, the way he reads the Statute, the County is responsible for 50% of the cost of juvenile detention. He thinks the issue is whether, as a collecting agent for the County Option Income Tax, the State can withhold that Tax because of another bill that we owe the State.

Attorney Luhman explained there are two issues. One is if the State is authorized to withhold the Tax without Statutory authority and the second is if it is constitutional for the State to charge counties half the cost for housing juveniles when they are not required to pay any of the cost for adult incarceration. The claim for \$100,000 is meant to pay toward our past-due debt of approximately \$1 million for juvenile placements. Although the Council has budgeted to pay for current charges as well as past debt, Attorney Luhman said the County has no control over where the State applies the payments.

Commissioner Shedd asked for the pros and cons of approving this \$100,000 claim. Attorney Luhman said the County is prepared to pay \$100,000 but the State has unilaterally informed us they are going to keep \$235,518. He said we can pay the additional \$100,000 or keep it to see how much they decide to keep.

Commissioner Benson asked Auditor Plantenga if he committed to paying the \$100,000 in his letter to the State. He said he did not, but in a phone call following the notification, he told them that the County was prepared to pay \$75,000 toward the debt. After that time, Judge Rush found she had sufficient uncommitted funds to write a claim for \$100,000.

Attorney Luhman pointed out that, if the Commissioners want to wait until a response to the Auditor's letter is received, they can still approve this claim at the December 30, 2002 meeting if they desire.

- Commissioner Benson withdrew her second and Commissioner Shedd withdrew her motion.
- Commissioner Shedd moved to approve the claims for the period ending December 16, 2002 with the exception of Claim #02-15345 in the amount of \$100,000 to Indiana Boys School, seconded by Commissioner Benson; motion carried.

***HIGHWAY: Executive Director Mark Albers***

**AWARD BIDS: 2003 Supplies and Materials opened December 2, 2002.**

After review of the bids submitted, Mr. Albers recommended awarding to all bidders except Petroleum Traders (Gasoline & Diesel Fuel) because they didn't follow the bid specifications. He said they did not include large tanker price and diesel fuel.

- Upon Mr. Albers' recommendation, Commissioner Benson moved to award the 2003 Supplies and Materials Bid to all bidders except Petroleum Traders, seconded by Commissioner Shedd; motion carried.

**GRANT OF RIGHT OF WAY: By Parcelization**

Mr. Albers presented the following Grant of Right-of-Way by parcelization for acceptance:

Key #138-02700-0045: 40' R-O-W south of center line of CR 500 N; A part of the NE ¼ of Sec 34, Twp 24 N, R 3 W in Washington Twp from Evelyn M. Mullin, Trustee.

***UTILITY MAINTENANCE BOND: Insight Communications***

- Commissioner Benson moved to accept 3 year Utility Maintenance Bond #1698517 for Insight Communications Midwest, LLC in the amount of \$5,000, seconded by Commissioner Shedd; motion carried.

***CERTIFICATES OF INSURANCE***

- ♦ Atlantic Casualty Ins. Co. for Hoosier Overhead Door & Construction
- ♦ Motorist Mutual Insurance for Koerner Construction Company
- ♦ Indiana Insurance Group for Scott Contracting Inc

***COMMUNITY FOCUS FUND GRANT: Lauramie Township Regional Sewer District***

Mendenhall & Associates, L.L.C. representative Tina Mendenhall, who will administer the Community Focus Fund Grant from the Department of Commerce for the Lauramie Township Regional Sewer District Project, requested that the County serve as the lead applicant and receive the money if the grant is approved.

- Commissioner Benson moved for Tippecanoe County to be the lead applicant for the Community Focus Fund Grant on behalf of Lauramie Township Regional Sewer District, seconded by Commissioner Shedd; motion carried.

***AGREEMENT: Lauramie Township Regional Sewer District & Mendenhall & Associates, L.L.C.***

Attorney Luhman explained that Lauramie Township is the owner in this agreement and will be making the payments to Mendenhall & Associates, L.L.C., the firm they wish to retain as Grant Administrator for the Project. Since this Agreement is contingent upon Department of Commerce approval of the grant, he recommended the Commissioners approve the form of the Agreement.

- Commissioner Benson moved to approve the form of the Agreement between Lauramie Township Regional Sewer District and Mendenhall & Associates, L.L.C., seconded by Commissioner Shedd; motion carried.

***AUTHORIZATION TO HOLD PUBLIC MEETINGS***

Ms Mendenhall requested third party authorization from the Commissioners for Mendenhall & Associates, L.L.C. to hold public hearings for the Lauramie Township Regional Sewer District's Community Focus Fund sewer construction application. She said they will schedule three public hearings and submit the minutes of those hearings to the Commissioners.

- Commissioner Benson moved to authorize Mendenhall & Associates, L.L.C. to hold public hearings for the Lauramie Township Regional Sewer District's Community Focus Fund sewer construction application, seconded by Commissioner Shedd; motion carried.

Ms Mendenhall gave the timeline for this process:

January 20, 2003	Submit Proposal for the Commissioners' signatures.
January 24, 2003	Submit Proposal to the Department of Commerce.
April 4, 2003	Submit final Proposal for the Commissioners' approval.

***ORDINANCE 2002-49-CM: Cary Home Per Diem Increase Request: Director Rebecca Humphrey***

- Commissioner Benson moved to take discussion of this request off the table, seconded by Commissioner Shedd; motion carried.

Attorney Luhman read the Ordinance:

(quote)

**ORDINANCE NO. 2002-49-CM  
ESTABLISHING PER DIEM RATES FOR CARY HOME**

**WHEREAS**, the Board of Commissioners of the County of Tippecanoe (Commissioners), are the owners of Jessie Levering Cary Home (Cary Home) , located at 1530 South 18<sup>th</sup> Street, Lafayette, Indiana, and

**WHEREAS**, the Commissioners operate Cary Home for the purpose of providing residential care, supervision and treatment of at-risk juveniles in cooperation with the Tippecanoe County Division of Families and Children, Tippecanoe County Courts, Tippecanoe County Juvenile Probation Department and other interested parties; and

**WHEREAS**, the Commissioners desire to establish per diem rates and charges for the residential services provided by Cary Home.

**NOW, THEREFORE, BE IT ORDAINED** that the following daily fees shall be charged for the provision of residential care, supervision and treatment of at-risk juveniles at Cary Home:

- (A) Standard Residential and Emergency Care: \$150.00 per day
- (B) Intense Supervision Residential and Emergency Care: \$175.00 per day.

**BE IT FURTHER ORDAINED** that this Ordinance shall be effective as of January 1, 2003, and all Ordinances in conflict herewith are hereby repealed.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of December, 2003 on first reading, by the following vote:

BOARD OF COMMISSIONERS OF

VOTE TIPPECANOE COUNTY

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert Plantenga, Auditor of  
Tippecanoe County

**PASSED AND ADOPTED** on the 16<sup>th</sup> day of December, 2002, on second reading, by the following vote  
BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert Plantenga, Auditor of  
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Ordinance 2002-49-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel Yes  
KD Benson Yes  
Ruth Shedd Yes

- The motion to approve Ordinance 2002-49-CM on first reading passed 3 – 0.

- Commissioner Benson moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Shedd; motion carried.
  - Commissioner Benson moved to approve Ordinance 2002-49-CM on second reading, seconded by Commissioner Shedd.
- Auditor Plantenga recorded the vote:

KD Benson    Yes  
 Ruth Shedd    Yes  
 John Knochel    Yes

- The motion to approve Ordinance 2002-49-CM on second reading passed 3 – 0.

### ***CARY HOME ADMISSION APPLICATION APPROVAL***

Ms Humphrey requested approval of the following changes to the Application for Admission to Cary Home:  
 Page 5, Medical: added

"The placing agency assumes financial responsibility for all medical and dental bills, including medications."

Page 6, Drug/Alcohol Screens: added

"The placing agency assumes financial responsibility for all urine drug screens administered by Cary Home."

Page 6, Per Diems: changes

"The placing agency agrees to pay to Cary Home for Children the sum of \$150.00 per day from the date of admission to and including the date of discharge for juveniles regarding regular supervision and treatment."

"The placing agency agrees to pay to Cary Home for Children the sum of \$175.00 per day from the date of admission to and including the date of discharge for juveniles requiring intensive supervision due to violent or sexual offenses."

- Commissioner Benson moved to approve the Application for Admission as amended, seconded by Commissioner Shedd; motion carried.

### ***ORDINANCE 2002-50-CM: Villa Per Diem Increase Request: Director Terri Hively***

- Commissioner Benson moved to take discussion of this request off the table, seconded by Commissioner Shedd; motion carried.

Attorney Luhman read the Ordinance:

(quote)

### **ORDINANCE NO. 2002-50-CM** **ESTABLISHING PER DIEM RATES FOR TIPPECANOE VILLA**

**WHEREAS**, the Board of Commissioners of the County of Tippecanoe (Commissioners), are the owners of Tippecanoe Villa (Villa) , located at 5307 North 50 West, West Lafayette, Indiana, and

**WHEREAS**, the Commissioners operate the Villa as an assisted living retirement home for residents of Tippecanoe County, Indiana; and

**WHEREAS**, the Commissioners desire to establish per diem rates and charges for the provision of residential care at the Villa.

**NOW, THEREFORE, BE IT ORDAINED** that the following daily room rates shall be charged for the provision of residential care, including room, board, linen service, laundry service (except dry cleaning) and minimum medical and personal services ordered by Resident's physician or otherwise reasonably required for Resident's health, safety and well-being:

(A)	Standard Private Room:	\$42.00 per day
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(B) Deluxe Private Room: \$84.00 per day.

(C) ARCH (Assistance for Residents As determined by Indiana  
In County Homes) Family and Social Services  
rate: Administration

Residents shall pay to the Villa, the daily room rate (a day to run from midnight to midnight) and any charges for supplemental services and/or supplies which may be requested or required by the Resident. The daily room rate shall be charged for the day of admission, regardless of the time of such admission, and for the day of discharge, except that if a Resident is discharged prior to 11:00 A.M., Resident will be charged for only one-half (1/2) day.

**BE IT FURTHER ORDAINED** that the Resident or his/her designated resident shall pay to the Villa the daily rate as prescribed in such rate schedule, or amount determined by the Indiana ARCH (Assistance for Residents in County Homes) Program then in effect, in advance from the day of admission and in advance on or before the tenth (10<sup>th</sup>) day of each month thereafter.

**BE IT FURTHER ORDAINED** that this Ordinance shall be effective as of January 1, 2003, and all Ordinances in conflict herewith are hereby repealed.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of December, 2003 on first reading, by the following vote:

BOARD OF COMMISSIONERS OF

VOTE TIPPECANOE COUNTY

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

ATTEST: Ruth Shedd, Member

\_\_\_\_\_  
Robert Plantenga, Auditor of  
Tippecanoe County

**PASSED AND ADOPTED** on the 16<sup>th</sup> day of December, 2002, on second reading, by the following vote:

BOARD OF COMMISSIONERS OF

VOTE TIPPECANOE COUNTY

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert Plantenga, Auditor of  
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Ordinance 2002-50-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

Ruth Shedd    Yes  
John Knochel    Yes  
KD Benson    Yes

- The motion to approve Ordinance 2002-50-CM on first reading passed 3 – 0.
- Commissioner Benson moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Shedd; motion carried.
- Commissioner Benson moved to approve Ordinance 2002-50-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel    Yes  
KD Benson    Yes  
Ruth Shedd    Yes

- The motion to approve Ordinance 2002-50-CM on second reading passed 3 – 0.

***EXTENSION CONTRACTUAL SERVICES AGREEMENT: Amendment #1: Extension Agent Bryan Metzger***

Mr. Metzger requested approval of Amendment #1 of the Extension Contractual Services Agreement between the County and Purdue University for four (4) Educators. This amendment extends the expiration date to December 31, 2003 and amends the amount to \$110,835.00.

- Commissioner Benson moved to approve Amendment #1 to the Extension Contractual Services Agreement and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

Mr. Metzger thanked the Commissioners for their support of the Financial Seminar the Extension Office is hosting tomorrow from 9:00 A.M. to 3:00 P.M. He said forty three (43) people have made reservations.

***DISCUSSION: Juvenile Detention Center Feasibility Study Proposals***

The Commissioners received Proposals for conducting a Juvenile Detention Center Feasibility Study from Mike McMillen and Bobbie Huskey. Mr. McMillen appeared before the Commissioners on November 4<sup>th</sup> and Mrs. Huskey appeared on November 13<sup>th</sup>.

Commissioner Shedd said she was more impressed with Mrs. Huskey's presentation. Mrs. Huskey proposes taking a year to conduct the study and Mr. McMillen proposes taking 4 ½ months.

Commissioner Benson thought Mrs. Huskey was more professional and her proposal includes all the issues mentioned by the Committee. While Mr. McMillen also seems very capable, she would feel more comfortable with Mrs. Huskey.

Commissioner Shedd thought it was a positive that Mrs. Huskey is also involved with Hamilton County.

President Knochel was very impressed with Mrs. Huskey because she outlined steps she would take to make recommendations and services she would provide for obtaining grants and hiring an architect.

Because the community has put a lot of time into this issue, Commissioner Shedd said she was ready to make a

decision today, but President Knochel thought the Commissioners should wait until the Special Meeting scheduled for December 30<sup>th</sup> to give the County Attorney time to review both Proposals.

***APPOINTMENTS: Community Corrections Advisory Board***

- Commissioner Benson moved to appoint Stuart Robertson, a lay person, and Adam Daws, an ex-offender, to the Community Corrections Advisory Board as replacements for four-year terms ending June 7, 2005, seconded by Commissioner Shedd; motion carried.

***PROPOSAL: Elevator Door Protection: Kone***

This Proposal in the amount of \$2,400 is for the purchase and installation of a Microscan Edge Door Protection System for the newer passenger elevator in the Courthouse.

- Commissioner Benson moved to approve the Proposal from Kone and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

***INFINISHED/NEW BUSINESS***

***WABASH RIVER COORDINATING COMMITTEE: Chairman John Corey***

Mr. Corey requested a contribution of \$1,500 from the County to help pay for a contract with Roland Design to produce a piece showing the status of the Wabash River development to move the project forward. To help the Committee reach their \$10,000 goal, he listed commitments thus far:

City of West Lafayette	\$1,500	
Community Development Corp. & the Urban Enterprise Corp.		\$2,000
Convention & Visitors Bureau	\$1,500	
City of Lafayette	\$1,500	
Wabash River Parkway	<u>\$2,000</u>	
Total	\$8,500	

Commissioner Benson said she would like to help with this project but she is uncertain if the County has available funds. President Knochel suggested waiting to make a decision until the December 30<sup>th</sup> Special Meeting.

***DISCUSSION: 2003 Meeting Times***

At the December 2<sup>nd</sup> meeting two proposals for meeting times for 2003 were presented:

10:00 A.M. first Monday and 10:00 A.M. third Monday  
 10:00 A.M. first Monday and 5:00 P.M. third Monday

Commissioner Shedd said she prefers to hold both monthly meetings at 10:00 A.M. She believes interested parties can attend and an evening meeting can be scheduled if the Commissioners think that is warranted.

Commissioner Benson prefers meeting at 10:00 A.M. on the first Monday and 5:00 P.M. on the third Monday.

President Knochel stated his preference of holding both meetings at 10:00 A.M. with the option of scheduling special meetings at other times.

Attorney Luhman reminded the Commissioners that a meeting can be rescheduled with 48 hours prior notice.

- Commissioner Shedd moved to hold both monthly Commissioners' meetings at 10:00 A.M. with the option of rescheduling to a different time if needed, seconded by Commissioner Knochel; motion carried with 1 no vote by Commissioner Benson.

***REPORTS***



Reports from Veterans Affairs, Clerk of the Circuit Court, Treasurer, and Mail & Duplicating are on file in the Commissioners' Office for review.

***PUBLIC COMMENT***

None.

***ADJOURNMENT***

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

\_\_\_\_\_  
John L. Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

**ATTEST:**

\_\_\_\_\_  
Robert A. Plantenga, Auditor